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In re Application of KOPF :
U.S. Application No.: 09/980,458 :
Int. Application No.: PCT/EP00/05203 :
Int. Filing Date: 07 June 2000 :
Priority Date: 11 June 1999 :
Attorney Docket No.: 111363 :
For: OPTICAL SYSTEM FOR LASERS :

DECISION

This is in response to applicant's "Resubmission of Response to Notification of Missing Requirements" filed 07 March 2003, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 07 June 2000, applicant filed international application PCT/EP00/05203, which claimed priority of an earlier United States application filed 11 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 21 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 03 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 December 2001.

On 04 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 March 2003, applicant filed the present petition under 37 CFR 1.181, including a copy of a declaration purportedly filed on 25 February 2002.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 25 February 2002. Specifically, the copy of the return postcard, which includes a declaration in its itemized contents and which bears a USPTO date stamp of 25 February 2002, serves as *prima facie* evidence that the declaration was received by the USPTO on 25 February 2002.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date of 07 June 2000 and a date under 35 U.S.C. 371 of 25 February 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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